



March 29, 2018

Kevin Graulich
Senior Safety Engineer
DOSH Research & Standard Health Unit
4905-2424 Arden Way
Sacramento, CA 95825

RE: Workplace Violence Prevention Standard-General Industry

Dear Mr. Graulich,

The California State Council of the Service Employees International (SEIU California) appreciates the opportunity to comment on the workplace violence prevention (WVP) standard for general industry. We recognize that "General Industry" is vastly broad and worksites are very different from one another, but more importantly many workers face the hazards of workplace violence almost daily. These workers are placed at even more risk when they work off-site from their place of employment, are mainly female, immigrant or low wage workers. For this reason we are using the healthcare regulation as a template for recommending the below changes or additions to this proposed regulation.

SEIU California supports adopting regulations governing WVP standards. However, after reviewing the proposed regulation we have identified several issues, outlined below, that need to be addressed to better protect workers from the real threat of workplace violence.

(a) Scope and Application

- Need to add: "The employer shall provide all safeguards required by this section, including provision of personal protective equipment, training, and medical services, at no cost to the employee, at a reasonable time and place for the employee, and during the employee's paid time." This is not new to regulatory language. It makes the regulation clearer and will eliminate any confusion employers and employees might have.

(b) Definitions

- Currently, there is no coding within DOSH or WCIS for workplace violence. Users must rely keywords such as “hit” or “kick”, etc. This must be addressed in order to track data and incidents of violence or threats of violence so workplace violence can be prevented in the future.
- Need to add the definitions for Engineering controls, Environmental risk factors and Work practice controls. The healthcare regulation can be used as a model. Again, these definitions are necessary provisions in order to prevent violence, especially when the workers may not do their work at the actual place of employment.
- Injury definition only covers injuries that are greater than first aid. Prevention plans and recordkeeping should any types of violence whether it results in injury or not and should also cover threats that would cause one to be afraid for safety. Again, the healthcare regulation can be used as a model. Since the definitions for workplace violence and threat of violence include incidents that may or may not result in injury, it's important that the definition not be limited to only greater than first aid, especially when violence or threats of violence tend to escalate.

(c) Plan

- (2) Need to add language that states the plan is in effect at all time.
- (3) Employees of other employers (contracted) need training and a mechanism so that incidents are reported, investigated and recorded. Studies have shown that temporary employees are often at higher risk of injury on the job.
- Need to add to (6): Effective procedures for obtaining assistance from the appropriate law enforcement agency during all work shifts. The procedure may establish a central coordination procedure. This shall also include a policy statement prohibiting the employer from disallowing an employee from, or taking punitive or retaliatory action against an employee for, seeking assistance and intervention from local emergency services or law enforcement when a violent incident occurs. Workers need to be able to access emergency services and law enforcement without any interference from their employer or supervisor. No worker should be discouraged or retaliated against for seeking assistance from professionals.
- (7) Employees and their representative should be allowed to participate in developing the training. This could be as simple as inviting them to participate.

- Need to add to (8): Assessment procedures to identify and evaluate environmental risk factors, including community-based risk factors, for each facility, unit, service, or operation. This shall include a review of all workplace violence incidents that occurred in the facility, service, or operation within the previous year, whether or not an injury occurred. Many workers work off-site or work in areas where taking environmental and community based risk factors into consideration when developing a plan could mean the difference between being a victim of violence or not. Also, any grounds that belong to the employer or are considered part of where a worker might routinely go during the work day.
 - Procedures to identify and evaluate environmental risk factors for workplace violence in each unit and area of the establishment, including areas surrounding the facility such as employee parking areas and other outdoor areas and off-site work areas. Assessment tools, environmental checklists, or other effective means shall be used to identify locations and situations where violent incidents are more likely to occur. Procedures shall specify the frequency with which such environmental assessments will take place. Environmental risk factors shall include, as applicable, but shall not necessarily be limited to, the following:
 1. Employees working in locations isolated from other employees (including employees engaging in patient contact activities) because of being assigned to work alone or in remote locations, during night or early morning hours, or where an assailant could prevent entry into the work area by responders or other employees. These instances put an employee at particular risk and are another reason why access to alarms, other alert systems, and law enforcement are necessary.
 2. Poor illumination or blocked visibility of areas where possible assailants may be present.
 3. Adequate alarm systems or effective means to alert responders to an emergency, entryways where unauthorized entrance may occur, or storage of high-value items, currency or pharmaceuticals. Again, these areas are at higher risk for violence and addressing them would prevent much of it
- Need to add to (9) Timelines for correcting hazards: The employer shall take measures to protect employees from imminent hazards

immediately, and shall take measures to protect employees from identified serious hazards within seven days of the discovery of the hazard, where there is a realistic possibility that death or serious physical harm could result from the hazard. When an identified corrective measure cannot be implemented within this timeframe, the employer shall take interim measures to abate the imminent or serious nature of the hazard while completing the permanent control measures. Correcting and addressing hazards and incidents of violence will help prevent them. Having effective procedures in place for before, during and after an incident will assist in mitigating further injuries, future incidents and eliminating hazards. Active shooter and other mass casualty incidents are tragically occurring more often and our employers are vital to help minimize this very real hazard and risk for workers.

- Creating an effective means by which employees can be alerted to the presence, location, and nature of a security threat.
 - Establishing an effective response plan for actual or potential workplace violence emergencies that includes obtaining help from facility security or law enforcement agencies as appropriate.
 - The response plan shall also include procedures to respond to mass casualty threats, such as active shooters, by developing evacuation or sheltering plans that are appropriate and feasible for the facility, a procedure for warning employees of the situation, and a procedure for contacting the appropriate law enforcement agency.
- (10) Procedures for post-~~injury~~ incident response and investigation. Should not be limited to incidents that result in injury. Need to change to post incident response and add the below. The definitions of workplace violence and threat of violence includes whether an injury occurs or not, because they are still acts of violence. They need to be addressed to prevent them from escalating, prevent future incidents and help track data. All of the below are needed for any of that to happen.
 - Providing immediate medical care or first aid to employees who have been injured in the incident;
 - Identifying all employees involved in the incident;
 - Making available individual trauma counseling to all employees affected by the incident;
 - Conducting a post-incident debriefing as soon as possible after the incident with all employees, supervisors, and security involved in the incident;

- Reviewing whether appropriate corrective measures developed under the Plan - such as adequate staffing, provision and use of alarms or other means of summoning assistance, and response by staff or law enforcement - were effectively implemented;
- Soliciting from the injured employee and other personnel involved in the incident their opinions
- regarding the cause of the incident, and whether any measure would have prevented the injury.

(d) Training

The items listed below must be added for any training to be effective:

- How to recognize the potential for violence, factors contributing to the escalation of violence and how to counteract them, and when and how to seek assistance to prevent or respond to violence;
- Strategies to avoid physical harm;
- How to recognize alerts, alarms, or other warnings about emergency conditions such as mass casualty threats and how to use identified escape routes or locations for sheltering, as applicable;
- The role of private security personnel, if any;
- How to report violent incidents to law enforcement;
- Any resources available to employees for coping with incidents of violence, including, but not limited to, critical incident stress debriefing or employee assistance programs;
- An opportunity for interactive questions and answers with a person knowledgeable about the employer's workplace violence prevention plan.

(e) Recordkeeping

- (3) Records should track more than just incidents that result in injury, by using the definitions of threat of violence and workplace violence. If those definitions apply then record keeping should cover those incidents as well.
- In addition to the above, schools should also be required to record injuries on the Log 300.

Reviewing the Plan

Lastly, language requiring reviewing the plan is missing all together. The effectiveness of a plan cannot be determined without reviewing it.

SEIU California represents over 700,000 members who are committed to ensuring the safety of all workers. The comments outlined above will help

develop a comprehensive regulation that will protect workers across industries from workplace violence. Thank you for your consideration.

Sincerely,

Katherine Hughes, RN, Executive Director SEIU Nurse Alliance of California

Navnit Bhandal, Legislative Analyst SEIU California

For questions or comments please contact:

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